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Tarrant County Texas

Official Public Records

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Suzanne Henderson

PGS 2 \$20.00

Submitter: SIMPLIFILE

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

**AMENDMENT TO OIL AND GAS LEASE
(To Correct Land Description)**

State: Texas
County: Tarrant
Lessor: Calloway's Nursery, Inc.
Lessee: XTO Energy
Effective Date: September 18, 2006

Lessee, named above, is the present owner of an Oil and Gas Lease (the "Lease"), dated September 18, 2006, from Lessor named above, granted in favor of Vargas Energy, Inc., recorded in Document No. D206327235 of the Deed Records of the county and state named above. The Lease is subject to that Assignment dated January 1, 2008, recorded as Tarrant County Clerk's Document No. D208015102, Official Public Records, Tarrant County, Texas, and is further subject to that Amendment to Oil and Gas Lease, effective September 18, 2006, filed of record April 30, 2007, as Tarrant County Clerk's Document No. D207146369, Official Public Records, Tarrant County, Texas.

At the time the Lease was entered into, the description of the lands contained in the Lease was believed by Lessor and (the original) Lessee to cover, and was intended by them to cover, certain lands owned by Lessor.

Since the execution, delivery, and recording of the Lease, it has been discovered that the description of lands contained in the Lease does not adequately describe the lands Lessor intended to lease to Lessee. Lessor and Lessee desire to amend and correct the description of lands contained in the Lease to accurately identify the lands to be covered by the Lease.

For adequate consideration, and the further consideration of the obligations and agreements contained in the Lease, Lessor acknowledges and agrees that the Lease shall cover, and the Lease is amended, so that it now covers the following lands in the county and state named above:

A portion of Block 5, Stonegate Addition, to the City of Fort Worth, Tarrant County, Texas, according to the Plat, recorded in Cabinet 388-178, Slide 75, Plat Records, Tarrant County, Texas, and being 2.6441 acres, more or less, out of Block 5 more particularly described in that certain Deed of Trust, dated October 9, 1997, from Calloway's Nursery, Inc. to Overton Bank and Trust, recorded in Volume 12939, Page 537, Official Public Records, Tarrant County, Texas.

Lessor ratifies, adopts, and confirms the Lease and extends the Lease to cover the lands described in this Amendment as if the description of lands set out above had been originally included in the Lease. Lessor grants, leases, and lets to Lessee, its successors and assigns, the lands described in this Amendment for the purposes and upon the terms, conditions, and provisions contained in the Lease.

This Amendment shall be binding for all purposes on Lessor and Lessor's successors, heirs and assigns.

This Amendment is signed by Lessor and Lessee as of the date of the acknowledgment of their signatures below, but is effective for all purposes as of the Effective Date stated above.

Lessor

By: 

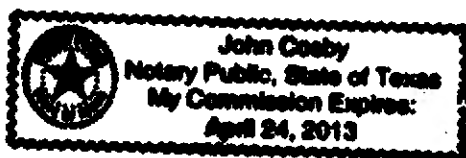
Print: JAMES C. ESTILL

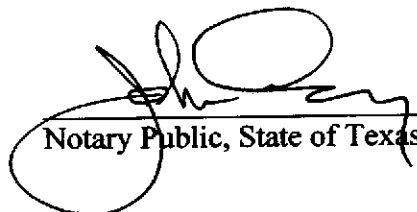
Title: PRESIDENT

On behalf of
Calloway's Nursery, Inc.

THE STATE OF TEXAS §
 §
COUNTY OF TARRANT §

This instrument was acknowledged before me on the 15 day of September,
2010, by James C. Estill, as PRESIDENT on behalf of
Calloway's Nursery, Inc.




Notary Public, State of Texas